

**DECLARATION
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

DATA PROCESSING SYSTEM AND METHOD FOR FINANCIAL DEBT INSTRUMENTS

the specification of which:

is attached hereto
 was filed in the United States on _____ as Application Serial No. (for declaration not accompanying application)
 with amendment(s) filed on _____ (if applicable)

was filed as PCT international application Serial No. _____ on _____ and was amended under PCT
 Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION | | | |
|--|---------|--------------------------------------|--|
| APPLICATION NUMBER | COUNTRY | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 35 U.S.C. 119/172 |
| | | | YES <input type="checkbox"/> NO <input type="checkbox"/> |
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|------------------------|-------------|----------|---------|-----------|
| | | PATENTED | PENDING | ABANDONED |
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POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Benj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), and Albert P. Halluin (Reg. No. 25227), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

PENNIE & EDMONDS DOCKET NO. 6925-071

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|--|-------------------------|---|--|----------------------------------|----------------------|
| SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711 | | | DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090 | | |
| 2 0 1 | FULL NAME OF INVENTOR | LAST NAME TULL, JR. | FIRST NAME ROBERT | MIDDLE NAME STANLEY | |
| | RESIDENCE & CITIZENSHIP | CITY Leviston | STATE OR FOREIGN COUNTRY Pennsylvania | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 16 Firebush Road | CITY Leviston | STATE OR COUNTRY Pennsylvania | ZIP CODE 19056 |
| 2 0 2 | FULL NAME OF INVENTOR | LAST NAME WEISBERGER | FIRST NAME DAVID | MIDDLE NAME M. | |
| | RESIDENCE & CITIZENSHIP | CITY London | STATE OR FOREIGN COUNTRY England | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 462 Kings Road | CITY London | STATE OR COUNTRY England | ZIP CODE SW10 0LG |
| 2 0 3 | FULL NAME OF INVENTOR | LAST NAME FOX | FIRST NAME JOHN | MIDDLE NAME JOHN VINCENT J. | |
| | RESIDENCE & CITIZENSHIP | CITY Esher, Surrey | STATE OR FOREIGN COUNTRY England | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 17 Highgarth, Orchard Way | CITY Esher, Surrey | STATE OR COUNTRY England | ZIP CODE KT10 9DY |
| 2 0 4 | FULL NAME OF INVENTOR | LAST NAME KARSENTY | FIRST NAME MYRIAM | MIDDLE NAME JOELLE | |
| | RESIDENCE & CITIZENSHIP | CITY New York | STATE OR FOREIGN COUNTRY New York | COUNTRY OF CITIZENSHIP France | |
| | POST OFFICE ADDRESS | STREET 327 Central Park West, Apt. 17D | CITY New York | STATE OR COUNTRY New York | ZIP CODE 10025 |
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|--|---|---|
| SIGNATURE OF INVENTOR 201 <i>Robert S. Tull Jr.</i> | SIGNATURE OF INVENTOR 202 <i>John V. Fox</i> | SIGNATURE OF INVENTOR 203 <i>John V. Fox</i> |
| DATE Apr. 14, 1994 | DATE Apr. 5, 1994 | DATE |
| SIGNATURE OF INVENTOR 204 <i>John V. Fox</i> | SIGNATURE OF INVENTOR 205 <i>John V. Fox</i> | SIGNATURE OF INVENTOR 206 <i>John V. Fox</i> |
| DATE Apr. 14, 1994 | DATE Apr. 5, 1994 | DATE |

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DATA PROCESSING SYSTEM AND METHOD FOR FINANCIAL DEBT INSTRUMENTS

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was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ if applicable

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| | | |
|---------------------------|--|---------------------------|
| SIGNATURE OF INVENTOR 201 | SIGNATURE OF INVENTOR 202 <i>Robert S. Tull for David M. Weisberger</i> | SIGNATURE OF INVENTOR 203 |
| DATE | DATE | DATE |
| SIGNATURE OF INVENTOR 204 | SIGNATURE OF INVENTOR 205 | |
| DATE | DATE | |

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

TULL et al.

Serial No.: 08/223,797

Filed: April 6, 1994

For: DATA PROCESSING SYSTEM AND
METHOD FOR DEBT INSTRUMENTS

: Group Art Unit:

To be assigned

: Examiner:

To be assigned

: Atty Docket No.: 6925-071

PETITION UNDER 37 C.F.R. § 1.47(a)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Attn: Application Processing Division
Special Processing and Correspondence Branch

SIR:

Applicants respectfully request that this application be accepted from the signing inventors on behalf of themselves and on behalf of the joint inventor who refuses to join in the application under 37 C.F.R. § 1.47(a).

Submitted herewith is a Declaration and Power of Attorney from the signing inventors on their own behalf and on behalf of the refusing, non-joining inventor. The last known address of the non-joining inventor along with his citizenship and residence are indicated on the enclosed Declaration.

Proofs of the non-joining inventor's refusal to sign are enclosed as Exhibit A and Exhibit B. Exhibit A is a copy of a letter dated March 30, 1994, from the applicants' attorneys to the non-signing inventor requesting that the

EXPRESS MAIL CERTIFICATION

"Express Mail" Label No. TH 389 249 542 US Date of Deposit September 6, 1994
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

MICHAEL VIGUIE

PENNY2-289276.1

above-identified application be reviewed and that the Declaration and Power of Attorney attached thereto be signed, and that the enclosed form assigning all rights, title and interest in the application to Morgan Stanley Group Inc. ("Morgan Stanley") be executed and notarized. This letter was sent to the non-signing inventor along with a prepaid return DHL envelope. Also attached to Exhibit A is a second letter from March 31, 1994 to the non-signing inventor which included a corrected Assignment form. No response was received to either of these two letters.

Exhibit B is a declaration of Robert S. Tull, Vice President of Morgan Stanley who in at least three separate phone conversations with the non-signing inventor David Weisberger requested that he review the application and sign the appropriate forms. Mr. Weisberger never returned the signed declaration.

A copy of the Notice to File Missing Parts of Application is enclosed, as requested. It is respectfully submitted that with the enclosed exhibits the present application may be accepted on behalf of the non-signing inventor.

Please charge the required fee for this petition, believed to be \$130 to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,

BD Rein

an Illinois Attorney

A30256

22,411
(Reg. No.)

Date September 6, 1994

Barry D. Rein

PENNIE & EDMONDS
1155 Avenue of the Americas
New York, N.Y. 10036
(212) 790-9090

**DECLARATION
AND POWER OF ATTORNEY**

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| DATE | DATE | DATE |
| SIGNATURE OF INVENTOR 204 | Robert S. Tull for David M. Weisberger | |
| DATE | DATE | |

PENNIE & EDMONDS

1155 AVENUE OF THE AMERICAS

MISROCK
 JONES, III
 TERRIAN
 I. FLINTOFT
 EILD, III
 J. A. MARSHALL
 REIN
 T. LAWRENCE, III
 R. MILLER
 L. STOCKELL
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 J. COLAKANNT
 E. MCKENNEY
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 415/854-0660

JOHN C. PENNIE
 (1855-1921)
 DEAN S. EDMONDS
 (1870-1972)

PETER D. VOGL
 MARK A. PARLET
 THOMAS A. CAROVA
 JOHN J. FORNILE
 STEVEN L. WALLACE
 CATHERINE H. STOCKELL
 JAMES G. MARRIOTT
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 SANDRA A. BRESNICK
 BERNARD H. CHAO
 LOUISE A. PICCONE

March 30, 1994

*NOT ADMITTED IN NEW YORK

6925-071

Mr. David M. Weisberger
 462 Kings Road
 London, SW10 0LG
 ENGLAND

Re: Patent Application for
 DATA PROCESSING SYSTEM AND
METHOD FOR FINANCIAL DEBT INSTRUMENTS

Dear David:

Enclosed is a copy of the above-identified patent application. The application includes a specification with claims, a combined Declaration and Power of Attorney form, a set of drawings and a joint Assignment form.

Please read over the application to ensure its accuracy. If any minor errors are discovered, such as typographical errors, please correct them in black ink and at the side of the page in line with each correction, you should sign your initials and the date. If you discover any major errors, please notify me either by telephone or in writing so that I can revise the application accordingly.

In reviewing the claims of the application, please check to see if they cover your invention. In doing this, it may be helpful to ask yourself if anyone could make the product without using all the elements set forth in the five independent claims.

NY-257730.1

Exhibit A

Mr. David M. Weisberger
March 30, 1994
Page 2

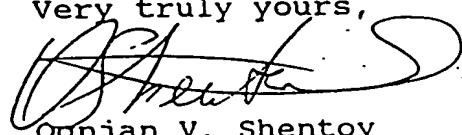
If the application requires no correction or if minor corrections have been made, please execute and date the original Declaration and Power of Attorney forms without detaching them from the application. The Assignment form should also be executed and notarized.

The original of the application including the drawings and the combined Declaration and Power of Attorney and Assignment forms should then be returned to me in the provided DHL envelope.

You will note that the Declaration and Power of Attorney of Attorney form contains an acknowledgement of your duty to disclose to the Patent Office information that you know of which is material to the examination of this application. Information is material where there is a substantial likelihood that a reasonable Patent Office Examiner would consider it important in deciding whether to allow the application to issue as a patent.

As a means of complying with this duty of disclosure, the Patent Office encourages applicants to file a disclosure statement within three months of the filing of the application. In order to comply with the requirement, please inform me of any material information in addition to that you have already sent to us of which you are aware as soon as possible.

Very truly yours,



Ognjan V. Shentov
Law Clerk, Ph.D.

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

| | | |
|--|---|---------------------------|
| TULL et al. | : | Group Art Unit: |
| Serial No.: 08/223,797 | : | To be assigned |
| Filed: April 6, 1994 | : | Examiner: |
| For: DATA PROCESSING SYSTEM AND METHOD FOR DEBT INSTRUMENTS | : | To be assigned |
| | : | Atty Docket No.: 6925-071 |

DECLARATION OF ROBERT S. TULL

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231.

Attn: Application Processing Division
Special Processing and Correspondence Branch

SIR:

I, Robert S. Tull, hereby declare:

1. I am one of the inventors of the above-
identified application.

2. I am Vice President of Morgan Stanley & Co.
Incorporated ("Morgan Stanley") the assignee of the above-
identified application.

3. Mr. David M. Weisberger, a former employee of
Morgan Stanley, is a named inventor in the above-identified
application, and has refused to sign and join in the
application.

4. From March 28, 1994 to August 30, 1994, after
Mr. Weisberger left Morgan Stanley, I personally contacted Mr.
Weisberger by telephone on the following occasions to inform
him that his review and signature of the above-identified
application would be required:

a) On March 28, 1994, prior to the filing date of
the application, I spoke to Mr. Weisberger requesting that he
review the application and sign the appropriate forms which
our attorneys were to send to him by DHL courier. Mr.
Weisberger promised to look into the matter but never returned
the forms which were mailed to him on March 30, 1994.

b) On April 22, 1994 I contacted Mr. Weisberger
again regarding his review and signature, and he promised to
"get to it." The executed application was never returned.

Exhibit B

c) On May 9, 1994 I left a message on Mr. Weisberger's answering machine, again requesting that he review the application and sign the appropriate forms so as to complete the filing requirements of the U.S. Patent and Trademark Office for this application. Mr. Weisberger did not return my call.

d) On August 30, 1994, I contacted Mr. Weisberger again regarding his review and signature of the above-identified application. In this conversation Mr. Weisberger informed me that he refuses to sign the application and has no intention to do so.

5. Mr. Weisberger never returned the application or the declaration and assignment forms, signed or unsigned, and has continually refused to do so.

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date Sept 1, 1994

1994 5 1
Robert S. Tull